



TOWN CLERK

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Town Clerk

TOWN OF GRAFTON
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Bk: 53337 Pg: 49

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CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
Modification of Special Permit & Site Plan Approval
(2001-7)

PETITIONER: Mary Colorio d.b.a. Dimitria Delights, Inc.
73 Creeper Hill Road, North Grafton, MA 01536

OWNER: Mary Colorio d.b.a. Dimitria Delights, Inc.
73 Creeper Hill Road, North Grafton, MA 01536

DEED REFERENCE: 73 Creeper Hill Road
Assessors Map 18, Lot 33
Worcester District Registry of Deeds
Book 22268, Page 20

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for Modification of a Special Permit & Site Plan Approval under Section 2.3.3.10 of the Grafton Zoning- By-Laws to use an existing unused apartment for a security guard apartment, for the property at 73 Creeper Hill Road, North Grafton, MA was received and filed in the Office of the Town Clerk on January 14, 2015 at 11:05 A.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on February 3, 2015.

A true copy,

Attest:
(Seal)



Town Clerk – Grafton, Massachusetts



DECISION

GRAFTON PLANNING BOARD RECEIVED TOWN CLERK
MODIFICATION OF GRAFTON, MA
SPECIAL PERMIT (2001-7) & SITE PLAN APPROVAL
 2015 JAN 14 AM 11 05

Security Guard Apartment

73  Creeper Hill Road, North Grafton
 Mary Colorio d/b/a Dimitria Delights, Inc. (Applicant / Owner)

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Mary Colorio d/b/a Dimitria Delights, Inc. (hereinafter the APPLICANT/OWNER) for the Modification of a Special Permit & Site Plan Approval (SP 2001-7) to use an existing unused apartment space for a security guard apartment, for property located at 73 Creeper Hill Road (hereinafter the SITE) and shown on the Grafton Assessor's Map 18, Lot 33, and owned by Dimitria Delights, Inc. by deed recorded in the Worcester District Registry of Deeds Book 22268, Page 20. The application was formally received on August 19, 2013.

I. BACKGROUND

The above referenced application for the Modification of a Special Permit / Site Plan Approval (hereinafter Application) was submitted on November 10, 2014. The Planning Board considered the Application at a properly posted meeting of said Board on December 8, 2014. Notice of the public hearing and the subject matter thereof was published in the Grafton News on November 19 and November 26, 2014 and posted with Town Clerk's Office.

The following Board members were present during the entire public hearing process: Vice Chairman Michael Scully, Clerk Sargon Hanna, Members Robert Hassinger and Linda Hassinger, and Associate Member Andrew Clarke. At the time of Decision, Chairman David Robbins appointed Associate Member Andrew Clarke as a voting member for purposes of deliberating and voting upon this Application.

At the hearing Mary Colorio (Applicant / Owner) presented the proposal. Following public input the hearing was closed. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Unbound Application Materials submitted by Mary Colorio (Applicant / Owner), received on November 10, 2014; including the following materials:

- Application for Modification of a Special Permit, SP 2001-7; dated November 3, 2014; 1 page.
- Certified Abutters List, dated November 6, 2014; 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's Office on November 3, 2014; 1 page.

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- Correspondence from Mary Colorio, dated November 7, 2014, 1 page.
- Map of site generated from the Town of Grafton GIS system; 8 ½ x 11", color; dated October 8, 2014; 1 page.
- Photographs of existing structure and site; 8 ½ x 11", color; 3 pages.

- EXHIBIT 2.** Copy of Grafton Planning Board Decision, MCSP 2001-7 Dimitria Delights, Inc., 73 Creeper Hill Road; Worcester District Registry of Deeds Book 25193, Page 219; 10 pages.
- EXHIBIT 3.** Project Review Memorandum, Department of Public Works; received November 13, 2014; 1 page.
- EXHIBIT 4.** Project Review Memorandum, Town Engineer; received November 13, 2014; 1 page.
- EXHIBIT 5.** Project Review Memorandum, Zoning Board of Appeals; received November 17, 2014; 1 page.
- EXHIBIT 6.** Project Review Memorandum, Treasurer / Collector's office; received November 17, 2014; 1 page.
- EXHIBIT 7.** Project Review Memorandum, Conservation Commission; received November 17, 2014; 1 page.
- EXHIBIT 8.** Project Review Memorandum, Board of Health; received November 19, 2014; 1 page.
- EXHIBIT 9.** Project Review Memorandum, Fire Department; received November 19, 2014; 1 page.
- EXHIBIT 10.** Project Review Memorandum, Police Department; received November 20, 2014; 1 page.
- EXHIBIT 11.** Public Hearing Sign In Sheet for December 8, 2014 hearing; 1 page.

III. FINDINGS

At their meeting of January 12, 2015 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Scully) voted 5-0 to make the following Findings:

- F1.)** That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2.)** That determinations regarding the following findings are also predicated upon conditions set forth in this decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3.)** That the Site is located in an Office / Light Industrial (OLI) zoning district. The site is not located within the Water Supply Protection Overlay District.
- F4.)** That during the public hearing the Applicant presented the proposed modification to the previously issued Special Permit SP 2001-7 and Site Plan Approval. The wholesale bakery operation is located within an expanded building on site which is connected to what was once a single family house (see

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EXHIBIT #1). The house currently has an apartment unit that is not being used. The Applicant would like to use the apartment for the owners and some staff on occasion when whether or other circumstances make it difficult to leave the site. The business has been in operation since 1972 and at this current location since 2002. They had contacted the Building Department and Fire Department to find out what needed to be done to get the unit code compliant. The Applicant was instructed to get a modification of their Special Permit first.

- F5.) That during the public hearing the Board asked about utilities. The Applicant noted that the site is served by Town sewer and the Grafton Water District and would not require and new service.
- F6.) That during the public hearing the Board and the Applicant discussed parking. The Applicant presented photographs of the existing site conditions (see EXHIBIT #1) noting that there was a lot of available on site parking.
- F7.) That during the public hearing the Board and the Applicant discussed proposed renovations. The Applicant noted that the unit needs some interior renovations to make it code compliant but that would be no renovations to the exterior of building. The original house on the site is incorporated into the overall facility. The house façade will not change.
- F8.) That during the public hearing the Board heard testimony from Robert Flynn, 76 Creeper Hill Road. He stated that his grandparents used to own property. He expressed concern that the apartment would become a rental unit which was not intended when the property was sold to the Applicant. The Applicant stated that this was to be used by staff and employees only on occasion and that it would not become a rental unit.
- F9.) The Board finds that the requested modification does not involve any changes to exterior of the existing structure or to the site configuration. As such the Board finds that conditions and context of the original Special Permit will not be altered by this modification. The Board finds that the requested modification is de minimis in nature and consistent with the Findings and Conditions of the original Special Permit. The Board further finds that the all the conditions of Special Permit SP 2001-7 will remain in full force and effect in the event that the Board grants approval of the modification.

IV. DECISION AND CONDITIONS

At their meeting of January 12, 2015 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Clarke) voted 5-0 to **APPROVE** the Modification of Special Permit (MCSP 2001-7) and Site Plan Approval with the following conditions:

- C1.) Unless modified by this Decision, the approval of a security guard apartment for personal use does not significantly alter the intent and purpose of the original approved plan as part of the Special Permit (MCSP 2001-7) and Site Plan Approval as voted upon by the Planning Board on August 31, 2001 (see EXHIBIT #2).
- C2.) Based on Finding #F4 the security guard apartment is to be for personal use by the owners and their employees only.

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- C3.) The Applicant shall maintain the site in accordance with the originally approved plan with the approved modification granted by this Decision. The Applicant shall proceed in a manner that conforms to CONDITIONS set forth in this DECISION as well as the plans and identified within EXHIBIT #1.
- C4.) Unless modified by this Decision, all conditions of the previous Special Permit (MCSP 2001-7) and Site Plan Approval decision as referenced herein, remain in full force and effect.
- C5.) Based on Findings #F4 and #F8 and Condition #1 that this Modification of a Special Permit is granted to the Applicant, as identified within this Decision, and does not run with the land. Upon sale of the property this Modification and the original Special Permit (MCSP 2001-7) will be considered null and void.
- C6.) This Modification of Special Permit MCSP 2001-7 shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within thirty (30) days of recording.
- C7.) By recording this decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C8.) Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted to approve the Applicant's application for a security guard apartment based on the information received at the public meeting and the aforementioned findings, and subject to the aforementioned conditions.

Michael Scully, Vice Chairman - AYE

Linda Hassinger, Member - AYE

Sargon Hanna, Clerk - AYE

Andrew Clarke, Associate AYE

Robert Hassinger, Member - AYE

David Robbins - Chairman NOT VOTING

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DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

January 14, 2015


Joseph Laydon, Town Planner

cc: Applicant / Owner
• Building Inspector

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.


Donna Girouard, Town Clerk

Feb. 3, 2015
Date EX

A true copy,
Attest:



Donna M. Girouard, Town Clerk
Grafton, MA